

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:09-cr-109

- vs -

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

PIERRE O. COLQUITT,

Defendant.

:

ORDER TO THE CLERK AND FINDING MOTION MOOT

This criminal case is before the Court on Colquitt's "Motion to Appeal Docket Number 198" (ECF No. 203). The Clerk shall transmit that document to the Sixth Circuit Court of Appeals as a notice of appeal.

To the extent that the filing can be read as a request for a certificate of appealability or a request to proceed on appeal *in forma pauperis*, it is moot because Judge Rice has already decided those questions. Denial of a certificate of appealability is not itself appealable, but can be renewed in the Court of Appeals as can a motion to proceed *in forma pauperis*.

February 15, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge

